



IP

DOCKET NO.: C1041.70005US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wagner et al.
Serial No.: 10/811,226
Confirmation No.: 1072
Filed: March 26, 2004
For: PHARMACEUTICAL COMPOSITION COMPRISING A POLYNUCLEOTIDE AND
OPTIONALLY AN ANTIGEN ESPECIALLY FOR VACCINATION
Examiner: Not Yet Assigned
Art Unit: 1614

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 24th day of October, 2006.


Emily E. Zukauskas

MAIL STOP AMENDMENT
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

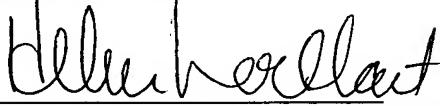
- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:


Helen C. Lockhart, Ph.D., Reg. No.: 39,248
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Docket No.: C1041.70005US01

Date: October 24, 2006

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MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing of a first Office action on the merits in the above-identified case.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Docket No.</u>
09/316,199	05-21-1999	McCluskie et al.	*C1040.70006US00
09/337,584	06-21-1999	Krieg et al.	*C1039.70020US00
09/337,893	06-21-1999	Krieg	*C1039.70022US00
09/630,319	07-31-2000	Krieg et al.	*C1039.70042US00
09/655,319	09-05-2000	Krieg et al.	C1039.70041US00
09/669,187	09-25-2000	Krieg et al.	*C1039.70035US00
09/786,436	09-03-1999	Wagner et al.	C1041.70010US00
10/187,489	07-02-2002	Krieg et al.	C1039.70062US00
10/532,746	09-09-2005	Ahluwalia et al.	*C1037.70035US01
11/179,008	07-08-2005	Hartmann et al.	*C1039.70044US02
11/401,093	04-10-2006	Krieg et al.	*C1037.70062US01
11/411,975	04-26-2006	Uhlmann et al.	*C1041.70045US01
11/503,377	08-11-2006	Krieg et al.	*C1039.70061US01
11/503,483	08-11-2006	Krieg et al.	*C1039.70048US22
11/507,079	08-18-2006	Krieg et al.	*C1039.70035US04
11/526,197	09-22-2006	Krieg et al.	*C1039.70048US23
11/526,896	09-22-2006	Bratzler et al.	*C1037.70013US03
11/542,845	10-04-2006	Krieg et al.	*C1037.70048US01
11/543,314	10-04-2006	Lipford et al.	*C1041.70036US02

*A copy of this reference is not provided as the Office has waived the requirement under 37 C.F.R. 1.98(a)(2)(iii) for submitting a copy of a cited U.S. patent application if it is scanned to the Image File Wrapper system and is available on Private PAIR.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

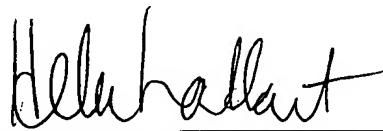
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By:



Helen C. Lockhart, Ph.D., Reg. No. 39,248
Wolf, Greenfield & Sacks, P.C.
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Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Docket No.: C1041.70005US01
Date: October 24, 2006
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FORM PTO-1449/A and B (modified PTO/SB/08)				APPLICATION NO.: 10/811,226	ATTY. DOCKET NO.: C1041.70005US01
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				FILING DATE: March 26, 2004	CONFIRMATION NO. 6072
				APPLICANT: Wagner et al.	OCT 26 2006 PATENT TRADEMARK OFFICE U.S. GOVERNMENT
Sheet	1	of	13	GROUP ART UNIT: 1614	EXAMINER: NOT Yet Assigned

U.S. PATENT DOCUMENTS

Examiner's Initials #	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or Issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A1	4,452,775		Kent	06-05-1984
	A2	5,595,756		Bally et al.	01-21-1997
	A3	5,663,153		Hutcherson et al.	09-02-1997
	A4	5,723,335		Hutcherson et al.	03-03-1998
	A5	5,753,613		Ansell et al.	05-19-1998
	A6	5,780,448		Davis	07-14-1998
	A7	5,785,992		Ansell et al.	07-28-1998
	A8	5,849,719		Carson et al.	12-15-1998
	A9	5,965,542		Wasan et al.	10-12-1999
	A10	5,976,567		Wheeler et al.	11-02-1999
	A11	5,981,501		Wheeler et al.	11-09-1999
	A12	6,004,534		Langer et al.	12-21-1999
	A13	6,027,726		Ansell	02-22-2000
	A14	6,090,791		Sato et al.	07-18-2000
	A15	6,110,745		Zhang et al.	08-29-2000
	A16	6,174,872	B1	Carson et al.	01-16-2001
	A17	6,194,388	B1	Krieg et al.	02-27-2001
	A18	6,207,646	B1	Krieg et al.	03-27-2001
	A19	6,214,806	B1	Krieg et al	04-10-2001
	A20	6,218,371	B1	Krieg et al.	04-17-2001
	A21	6,221,882		Macfarlane	04-24-2001
	A22	6,239,116	B1	Krieg et al.	05-29-2001
	A23	6,339,068	B1	Krieg et al.	01-15-2002
	A24	6,339,630		Macfarlane	06-04-2002
	A25	6,248,720	B1	Mathiowitz et al.	06-19-2001
	A26	6,406,705	B1	Davis et al.	06-18-2002
	A27	6,426,336	B1	Carson et al.	07-30-2002
	A28	6,429,199	B1	Krieg et al.	08-06-2002
	A29	6,479,504		Macfarlane et al.	11-12-2002
	A30	6,498,148	B1	Raz	12-24-2002
	A31	6,514,948	B1	Raz et al.	02-04-2003
	A32	6,521,637		Macfarlane	02-18-2003

EXAMINER:	DATE CONSIDERED:
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449/A and B (modified PTO/SB/08) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 10/811,226	ATTY. DOCKET NO.: C1041.70005US01	
				FILING DATE:	March 26, 2004	CONFIRMATION NO.: 1072
				APPLICANT:	Wagner et al.	
				GROUP ART UNIT:	1614	EXAMINER:
Sheet	2	of	13			

	A33	6,562,798	B1	Schwartz	05-13-2003
	A34	6,589,940	B1	Raz et al.	07-08-2003
	A35	6,610,308		Haensler	08-26-2003
	A36	6,610,661	B1	Carson et al.	08-26-2003
	A37	6,630,455	B1	Mitchell	10-07-2003
	A38	6,653,292	B1	Krieg et al.	11-25-2003
	A39	6,693,086	B1	Dow et al.	02-17-2004
	A40	6,727,230	B1	Hutcherson et al.	04-27-2004
	A41	6,821,957	B1	Krieg et al.	11-23-2004
	A42	6,835,395	B1	Semple et al.	12-28-2004
	A43	6,943,240		Bauer et al.	09-13-2005
	A44	6,949,520		Hartmann et al.	09-27-2005
	A45	6,951,845		Carson et al.	10-04-2005
	A46	7,001,890		Wagner et al.	02-26-2006
	A47	2002-0055477	A1	Van Nest et al.	05-09-2002
	A48	2002-0086839	A1	Raz et al.	07-04-2002
	A49	2002-0091097	A1	Bratzler et al.	07-11-2002
	A50	2002-0164341	A1	Davis et al.	11-07-2002
	A51	2003-0022852	A1	Van Nest et al.	01-30-2003
	A52	2003-0026801	A1	Weiner et al.	02-06-2003
	A53	2003-0027782	A1	Carson et al.	02-06-2003
	A54	2003-0050261	A1	Krieg et al.	03-13-2003
	A55	2003-0050268	A1	Krieg et al.	03-13-2003
	A56	2003-0059773	A1	Van Nest et al.	03-27-2003
	A57	2003-0078223	A1	Raz et al.	04-24-2003
	A58	2003-0091599	A1	Davis et al.	05-15-2003
	A59	2003-0092663	A1	Raz et al.	05-15-2003
	A60	2003-0100527	A1	Krieg et al.	05-29-2003
	A61	2003-0104044	A1	Semple et al.	06-05-2003
	A62	2003-0109469	A1	Carson et al.	06-12-2003
	A63	2003-0119774	A1	Foldvari et al.	06-26-2003
	A64	2003-0119773	A1	Raz et al.	06-26-2003
	A65	2003-0129251	A1	Van Nest et al.	07-10-2003
	A66	2003-0133988	A1	Fearon et al.	07-17-2003
	A67	2003-0139364	A1	Krieg et al.	07-24-2003
	A68	2003-0148316	A1	Lipford et al.	08-07-2003

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				FILING DATE: March 26, 2004	CONFIRMATION NO.: 1072
				APPLICANT: Wagner et al.	
				GROUP ART UNIT: 1614	EXAMINER: Not Yet Assigned
Sheet	3	of	13		

	A69	2003-0148976	A1	Krieg et al.	08-07-2003
	A70	2003-0165478	A1	Sokoll et al.	09-04-2003
	A71	2003-0175731	A1	Fearon et al.	09-18-2003
	A72	2003-0181406	A1	Schetter et al.	09-25-2003
	A73	2003-0186921	A1	Carson et al.	10-02-2003
	A74	2003-0191079	A1	Krieg et al.	10-09-2003
	A75	2003-0199466	A1	Fearon et al.	10-23-2003
	A76	2003-0203861	A1	Carson et al.	10-30-2003
	A77	2003-0212026	A1	Krieg et al.	11-13-2003
	A78	2003-0224010	A1	Davis et al.	12-04-2003
	A79	2003-0225016	A1	Fearon et al.	12-04-2003
	A80	2003-0232074	A1	Lipford et al.	12-18-2003
	A81	2003-0232856	A1	Macfarlane	12-18-2003
	A82	2004-0006010	A1	Carson et al.	01-08-2004
	A83	2004-0006034	A1	Raz et al.	01-08-2004
	A84	2004-0009949	A1	Krieg	01-15-2004
	A85	2004-0013688	A1	Wise et al.	01-22-2004
	A86	2004-0030118	A1	Wagner et al.	02-12-2004
	A87	2004-0038922	A1	Haensler et al.	02-26-2004
	A88	2004-0047869	A1	Garcon et al.	03-11-2004
	A89	2004-0053880	A1	Krieg	03-18-2004
	A90	2004-0067902	A9	Bratzler et al.	04-08-2004
	A91	2004-0067905	A1	Krieg	04-08-2004
	A92	2004-0087534	A1	Krieg et al.	05-06-2004
	A93	2004-0087538	A1	Krieg et al.	05-06-2004
	A94	2004-0092472	A1	Krieg	05-13-2004
	A95	2004-0092468	A1	Schwartz et al.	05-13-2004
	A96	2004-0106568	A1	Krieg et al.	06-03-2004
	A97	2004-0131628	A1	Bratzler et al.	07-08-2004
	A98	2004-0132677	A1	Fearon et al.	07-08-2004
	A99	2004-0132685	A1	Krieg et al.	07-08-2004
	A100	2004-0136948	A1	Fearon et al.	07-15-2004
	A101	2004-0142469	A1	Krieg et al.	07-22-2004
	A102	2004-0143112	A1	Krieg et al.	07-22-2004
	A103	2004-0147468	A1	Krieg et al.	07-29-2004
	A104	2004-0152649	A1	Krieg	08-05-2004

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GROUP ART UNIT:	1614	EXAMINER:	Not Yet Assigned

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A105	2004-0152656	A1	Krieg et al.	08-05-2004
A106	2004-0152657	A1	Krieg et al.	08-05-2004
A107	2004-0157791	A1	Dow et al.	08-12-2004
A108	2004-0162258	A1	Krieg et al.	08-19-2004
A109	2004-0162262	A1	Krieg et al.	08-19-2004
A110	2004-0167089	A1	Krieg et al.	08-26-2004
A111	2004-0171150	A1	Krieg et al.	09-02-2004
A112	2004-0171571	A1	Krieg et al.	09-02-2004
A113	2004-0181045	A1	Krieg et al.	09-16-2004
A114	2004-0198680	A1	Krieg	10-07-2004
A115	2004-0198688	A1	Krieg et al.	10-07-2004
A116	2004-0229835	A1	Krieg et al.	11-18-2004
A117	2004-0234512	A1	Wagner et al.	11-25-2004
A118	2004-0235770	A1	Davis et al.	11-25-2004
A119	2004-0235774	A1	Bratzler et al.	11-25-2004
A120	2004-0235777	A1	Wagner et al.	11-25-2004
A121	2004-0235778	A1	Wagner et al.	11-25-2004
A122	2004-0247662	A1	Dow et al.	12-09-2004
A123	2004-0248837	A1	Raz et al.	12-09-2004
A124	2004-0266719	A1	McCluskie et al.	12-30-2004
A125	2005-0004061	A1	Krieg et al.	01-06-2005
A126	2005-0004062	A1	Krieg et al.	01-06-2005
A127	2005-0004144	A1	Carson et al.	01-06-2005
A128	2005-0009774	A1	Krieg et al.	01-13-2005
A129	2005-0013812	A1	Dow et al.	01-20-2005
A130	2005-0032734	A1	Davis et al.	02-10-2005
A131	2005-0032736	A1	Krieg et al.	02-10-2005
A132	2005-0037403	A1	Krieg et al.	02-17-2005
A133	2005-0037985	A1	Krieg et al.	02-17-2005
A134	2005-0043529	A1	Davis et al.	02-24-2005
A135	2005-0049215	A1	Krieg et al.	03-03-2005
A136	2005-0049216	A1	Krieg et al.	03-03-2005
A137	2005-0054601	A1	Wagner et al.	03-10-2005
A138	2005-0054602	A1	Krieg et al.	03-10-2005
A139	2005-0059619	A1	Krieg et al.	03-17-2005
A140	2005-0059625	A1	Krieg et al.	03-17-2005

EXAMINER:

DATE CONSIDERED:

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Sheet 5 of 13

APPLICATION NO.:	10/811,226	ATTY. DOCKET NO.:	C1041.70005US01
FILING DATE:	March 26, 2004	CONFIRMATION NO.:	1072
APPLICANT:			Wagner et al.
GROUP ART UNIT:	1614	EXAMINER:	Not Yet Assigned

A141	2005-0064401	A1	Olek et al.	03-24-2005
A142	2005-0070491	A1	Krieg et al.	03-31-2005
A143	2005-0075302	A1	Hutcherson et al.	04-07-2005
A144	2005-0176672	A1	Scheule et al.	08-11-2005
A145	2005-0191342	A1	Tam et al.	09-01-2005
A146	2005-0100983	A1	Bauer et al.	05-12-2005
A147	2005-0101554	A1	Krieg et al.	05-12-2005
A148	2005-0101557	A1	Krieg et al.	05-12-2005
A149	2005-0119273	A1	Lipford et al.	06-02-2005
A150	2005-0123523	A1	Krieg et al.	06-09-2005
A151	2005-0130911	A1	Uhlmann et al.	06-16-2005
A152	2005-0148537	A1	Krieg et al.	07-07-2005
A153	2005-0169888	A1	Hartman et al.	08-04-2005
A154	2005-0171047	A1	Krieg et al.	08-04-2005
A155	2005-0181422	A1	Bauer et al.	08-18-2005
A156	2005-0182017	A1	Krieg	08-18-2005
A157	2005-0197314	A1	Krieg et al.	09-08-2005
A158	2005-0209184	A1	Klinman et al.	09-22-2005
A159	2005-0214355		Klinman et al.	09-29-2005
A160	2005-0215500	A1	Krieg et al.	09-29-2005
A161	2005-0215501	A1	Lipford et al.	09-29-2005
A162	2005-0233995	A1	Krieg et al.	10-20-2005
A163	2005-0233999	A1	Krieg et al.	10-20-2005
A164	2005-0239732	A1	Krieg et al.	10-27-2005
A165	2005-0239733	A1	Jurk et al.	10-27-2005
A166	2005-0239734	A1	Uhlmann et al.	10-27-2005
A167	2005-0239736	A1	Krieg et al.	10-27-2005
A168	2005-0245477	A1	Krieg et al.	11-03-2005
A169	2005-0244379	A1	Krieg et al.	11-03-2005
A170	2005-0244380	A1	Krieg et al.	11-03-2005
A171	2005-0249794	A1	Semple et al.	11-10-2005
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A173	2005-0256073	A1	Lipford et al.	11-17-2005
A174	2005-0267057	A1	Krieg	12-01-2005
A175	2005-0267064	A1	Krieg et al.	12-01-2005
A176	2005-0277604	A1	Krieg et al.	12-15-2005

EXAMINER:

DATE CONSIDERED:

[#] EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered.
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FORM PTO-1449/A and B (modified PTO/SB/08) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 10/811,226	ATTY. DOCKET NO.: C1041.70005US01
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				APPLICANT: Wagner et al.	
				GROUP ART UNIT: 1614	EXAMINER: Not Yet Assigned
Sheet	6	of	13		

	A177	2005-0277609	A1	Krieg et al.	12-15-2005
	A178	2006-0003955	A1	Krieg et al.	01-05-2006
	A179	2006-0003962	A1	Ahluwalia et al.	01-05-2006
	A180	2006-0019916	A1	Krieg et al.	01-26-2006
	A181	2006-0019923	A1	Davis et al.	01-26-2006
	A182	2006-0058251	A1	Krieg et al.	03-16-2006
	A183	2006-0089326	A1	Krieg et al.	04-27-2006
	A184	2006-0094683	A1	Krieg et al.	05-04-2006
	A185	2006-0140875	A1	Krieg et al.	06-29-2006
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*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. ___, filed ___, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

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